

Democrats and Republicans in the House and Senate to \$8.3 billion. Congress is now working quickly and competently on a second package. It should get the same quick response from our Republican Senators and pass.

NOMINATION OF JAMES P. DANLY

Madam President, today the Senate will vote on the nomination of James Danly to serve on the Federal Energy Regulatory Commission. Less than a decade out of law school, Mr. Danly lacks the experience of past nominees, and it seems his major qualification is deep ties to the energy industry. The process behind his nomination has been extremely partisan and unfair to the Senate minority.

I have tried to work with the Republican leader to pair Mr. Danly's nomination with a Democratic nominee so that both would pass the Senate. That is what we have always done until Leader McCONNELL started his ways and President Trump became President.

By law, FERC has seats reserved for both Democrats and Republicans. Democrats sent our recommendation for FERC to the White House over a year ago, long before the administration selected Danly. Yet while the White House sent Danly's name to the Senate for confirmation, they have held the Democratic nominee and given no reason or explanation why. Rather than work with my office and the White House to fix this problem—as every other Republican leader has done—and maintain the process of pairing nominees, which has always been the tradition whether Democrats or Republicans were in the majority, Leader McCONNELL, in his very partisan, pro-energy industry way, is moving forward with only the Republican nominee.

Leader McCONNELL has been in the minority before. He knows that the only way bipartisan boards and commissions across the Federal Government are filled fairly with considerations for both parties is through cooperation. If the shoe were on the other foot, I am sure the Republican leader would be furious with the game the White House is playing with our nominees.

Our preference would have been to clear Danly alongside our Democratic nominee, but now, for the sake of fairness and parity, I urge my colleagues to vote against his nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Alaska.

NOMINATION OF JAMES P. DANLY

Ms. MURKOWSKI. Mr. President, I have come to the floor this morning to speak in support of the nomination of Mr. James Danly to serve on the Federal Energy Regulatory Commission. Mr. Danly has been nominated for the remainder of a term that runs through June 30, 2023, and for a seat that has been open now since former Chairman Kevin McIntyre tragically passed away from brain cancer about 14 months ago.

For those who don't follow the day-to-day of energy policy, FERC is an independent agency within the Department of Energy. It regulates electricity, hydropower, natural gas, and oil pipeline industries. In my view, FERC is one of those very, very important entities. FERC plays a critical role in keeping the lights on and ensuring the delivery of reliable, safe, and affordable energy to America's homes and businesses.

Mr. Danly has an impressive academic and professional background. He is a veteran, having served two tours of duty with the Army in Iraq, where he received a Bronze Star and a Purple Heart, and played a key role in executing counterinsurgency efforts during the surge.

After his career with the Army, Mr. Danly chose to pursue a very different career as a FERC attorney, first practicing at a major law firm and most recently serving as FERC's general counsel for the past 2½ years now.

Mr. Danly's time at the FERC has been very productive. He has my strong support to be a Commissioner. This is the type of individual who knows his stuff, who has a great grasp and a keen understanding of these energy-related matters. He is well qualified and has a deep understanding of the issues that will come before him. He understands FERC's mission as an independent and an impartial regulator.

Despite Mr. Danly's very impressive qualifications and experience, I am disappointed that some of my colleagues have indicated they will oppose his nomination simply because he isn't nominated alongside a Democratic candidate. So they will acknowledge that he has strong qualifications, that he has the expertise and the experience, but they are opposing him because they are saying he needs to be nominated alongside a Democrat. To me, opposing nominees on that basis alone is very troubling.

It is also incorrect to characterize pairing FERC nominees as the norm. I think Members should recognize that FERC is set up first and foremost to avoid the need for pairings. We passed a law in Congress in 1990 to stagger the five Commissioners' terms by 1 year each. So if nominees are sent to the Senate in a timely manner and stay in office, we would never need to pair them.

Also contrary to what some have suggested, bipartisan pairings are not actually the norm. More often, we have confirmed individual Commissioners or had unbalanced pairings, like Colette Honorable in 2014 or the two Republican Commissioners we confirmed in 2017 after the Obama administration refused to nominate any Republicans in 2015 or 2016.

I also encourage the Senate to recognize that this seat has already been paired. In 2017, we paired Mr. McIntyre with Rich Glick, who will continue to serve through mid-2022. The slot we are now considering is to fill the remainder

of Mr. McIntyre's term through mid-2023.

The fact is, we have one nomination for the Senate right now, not two. We have one nomination to consider, and this position has been open now for some 14 months. It is not fair to tell a qualified Republican nominee that he has to wait, especially with the seat now having been open for more than 1 year and the term expiring in mid-2023. That doesn't change.

I would also remind my colleagues that nominations are the responsibility of the President. It is not on me as the chairman of the Energy and Natural Resources Committee. It is not on Leader McCONNELL. It is the responsibility of the President.

The much more recent Democratic vacancy at FERC, which was the choice of the Democratic leadership in this body, is for the Democratic leadership to work out with the White House. Send to the White House that nominee who can be advanced.

For those who are concerned about the Democratic vacancy, I will share this with you. There will be an opportunity for a pairing later this year. Commissioner McNamee has already announced that he will not return to the FERC for a second term, so there will be a vacancy in just a matter of months. I have encouraged the administration to send us both nominees at the same time so that the Senate can restore FERC to a full complement of five Commissioners. We give them a lot of work. There is a lot of responsibility. They need a full complement.

Right now, our opportunity is to confirm Mr. Danly. That is who we have in front of us. He is the only FERC nominee we have. He is well qualified for the job. He served our country in uniform. He now wishes to continue that service in a different capacity, and I hope—I hope—no one will vote against him on party grounds. So I would certainly urge the full Senate to support Mr. Danly's nomination.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ASHLEY JOHNSON-BARR DAY

Ms. MURKOWSKI. Mr. President, the Alaska State Senate yesterday passed a bill that would establish March 12, today, as Ashley Johnson-Barr Day to be held each year.

Ashley Johnson-Barr was a 10-year-old beautiful little girl in Kotzebue, AK. Ashley was probably one of those happy kids who loved purple; thus, I have a purple scarf and purple jacket today. She was one of those beautiful young children growing up in Kotzebue who would have gone on to have a good, productive life in an Inupiat community in the northwestern part of the State. But Ashley Johnson-Barr is remembered now because, at the age of 10 years old, she was brutally raped and murdered. She was literally taken from the kids' playground there in Kotzebue and taken to a location not too many miles outside the community.